

JOURNAL OF THE SENATE

Thursday, April 20, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, April 19, 1939.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kannars, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Wednesday, April 19, 1939, was corrected as follows:

On page 8, column 1, line 7 from the top of the page strike out the words "and placed on the Calendar of Bills on second reading without reference" and insert the following with a period and new paragraph:

"Senator Kelly (16th) moved that House Bill No. 194 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered."

And as corrected was approved.

REPORTS OF COMMITTEES

Senator McKenzie, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Florida,
April 20, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

Senate Bill No. 33:

A bill to be entitled An Act to amend Section 35, Chapter 16103, Laws of Florida, Acts of 1933, the same being An Act relating to wills and the probate thereof, to descent and distribution of decedents' estates, to dower, to the administration of decedents' estates and the practice and procedure relating thereto, to revise and consolidate the law relating to the estates of decedents and to repeal all laws and statutes in conflict therewith as amended by Chapter 17171, Laws of Florida, Acts of 1935, and as further amended by Chapter 18066, Laws of Florida, Acts of 1937, which amendment, however, shall provide for the dower of a widow in realty and personalty, ratably subject to the debts of the estate of the decedent along with the remainder of the estate, and shall further provide that if a decedent be survived by a widow and lineal descendants and none of such lineal descendants are also lineal descendants of such widow, then such widow shall be limited to a child's part irrespective of the terms of the will of the decedent.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,
H. S. MCKENZIE,

Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

And Senate Bill No. 33, contained in the above report, was thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Com-

mittee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senate Chamber, April 20, 1939.

Senator Dame, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 211.

Senate Bill No. 222.

Senate Bill No. 252.

Senate Bill No. 263.

Senate Bill No. 177.

Senate Bill No. 254.

And Senate Bills Nos. 211, 222, 252, 263, 177 and 254, contained in the above report, were placed on the Calendar of Bills on second reading.

Senate Chamber, April 20, 1939.

Senator Wilson, Chairman of the Committee on State Institutions, reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 137.

And Senate Bill No. 137, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 20, 1939.

Senator Beall, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following bills and recommends that they do not pass:

Senate Bill No. 257.

Senate Bill No. 256.

And Senate Bills Nos. 257 and 256, contained in the above report, were laid on the table.

Senate Chamber, April 20, 1939.

Senator Beall, Chairman of the Committee on Labor and Industry, reported that the Committee has carefully considered the following bill and recommends that it does pass:

Senate Bill No. 229.

And Senate Bill No. 229, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 19, 1939.

Senator Lewis, Chairman of the Committee on Judiciary "C", reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 80.

Senate Bill No. 117.

Senate Bill No. 208.

Senate Bill No. 255.

House Bill No. 34.

And Senate Bills Nos. 80, 117, 208, 255 and House Bill No. 34, contained in the above report, were placed on the Calendar of Bills on second reading.

Senate Chamber, April 20, 1939.

Senator McKenzie, Chairman of the Joint Committee on Enrolled Bills, on the part of the Senate, reported that the Committee had this day submitted to the Governor for his approval one Concurrent Resolution and three bills listed in Report No. 1 of the Joint Committee on Enrolled Bills, being:

Senate Bill No. 33.

Senate Bill No. 125.

Senate Concurrent Resolution No. 12.

Senate Bill No. 75.

Senator Whitaker moved that the rules be waived and the Senate do now take up and consider Messages from the House of Representatives, out of their order.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 20, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed:

Senate Bill No. 82:

A bill to be entitled An Act relating to State appropriations from the General Revenue Fund, declaring appropriations from the General Revenue Fund for the benefit of the uniform system of Public Free Schools and the State Institutions of Higher Learning, to be on a Parity with all other appropriations for all other purposes from the General Revenue Fund.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bill No. 82, contained in the above message, was referred to the Committee on Enrolled Bills.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 20, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed:

Senate Bill No. 75:

A bill to be entitled An Act providing for the voluntary resignation and retirement of Circuit Judges under certain conditions; establishing a fund to be known as "The Circuit Judges Retirement Fund," and providing for contribution thereto by Circuit Judges under certain conditions; providing for the pay of such retired Circuit Judges; making appropriations to carry out the provisions of this Act; and prohibiting such retired Circuit Judges from practicing law.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bill No. 75, contained in the above message, was referred to the Committee on Enrolled Bills.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Holland—

Senate Bill No. 287:

A bill to be entitled An Act to protect trade-mark owners, producers, distributors and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-mark, brand or name; authorizing the use of contracts establishing minimum resale prices and refusal to sell unless such minimum resale prices are observed, and making such contracts obligatory on all persons having knowledge of them, whether or not such persons are parties thereto.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Kanner (By Request)—

Senate Bill No. 288:

A bill to be entitled An Act to amend Sections seven and eight of Chapter 15659, Acts of 1931, Laws of Florida, and to provide for the payment of interest on certain money to be paid, and which has been paid certain counties in the State of Florida: said Act relating to taxation, levying and imposing an excise tax on gasoline and other like products of petroleum, in addition to other taxes thereon: levying and imposing a license tax on every dealer in gasoline or any other like product of petroleum: providing for the report of sale of such commodities, and the collection and payment of such taxes: creating special funds for the reception of such taxes: providing the purposes of such taxes, and for the deposit, appropriation and disposition of the proceeds derived from such taxes,

and prescribing the duties of certain officials with reference thereto, and declaring certain roads to have been and to be built for state purposes and as being state undertakings: repealing Chapter 14575, Laws of Florida, Acts of 1929, relating to the subject of gasoline taxes and raising special revenue for educational purposes, and all laws in conflict with said Act; providing for the enforcement of said Act and penalties for violation thereof.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Whitaker (By Request)—

Senate Bill No. 289:

A bill to be entitled An Act to prevent unfair discrimination, unfair methods of competition and destructive trade practices in production, manufacture, distribution or sale of petroleum products; to provide civil remedies and proceedings for the enforcement of this Act; to define the costs of the petroleum products to the distributor, or vendor, thereof, and to provide a method of ascertaining the costs within the terms of this Act.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator Walker—

Senate Bill No. 290:

A bill to be entitled An Act for the relief of Bert M. Thomas of Wakulla County, Florida, and providing for refund by the Comptroller of the State of Florida and the Board of County Commissioners for Wakulla County, Florida, of State and County taxes erroneously assessed and collected from him, and making appropriation therefor.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Gillis—

Senate Bill No. 291:

A bill to be entitled An Act relating to insane persons, defining insanity, providing legal procedure, and prescribing legal requirements for determining the sanity or insanity of persons supposed to be insane; providing for certain medical examination of certain supposedly insane persons; providing that the Trial Court or Judge shall have perpetual jurisdiction and power to modify, vacate or reverse order or judgment of insanity; providing for the appointment of a guardian for the property of persons adjudged insane; providing for humane and practical disposal of persons adjudged insane and temporary care and control where necessary of the supposedly insane; providing duties of County Hospitals, County Boards of Public Welfare and County Commissioners with regard to care, custody and treatment of the insane or supposedly insane; providing for payment of costs in insanity proceedings; providing that it shall be a misdemeanor to make any knowingly false statement in any petition for insanity or any proceeding therein, or to falsely conspire with another person to bring or cause to be brought any insanity petition, and prescribing a penalty therefor.

Which was read the first time by title only and referred to the Committee on State Institutions.

By Senator Westbrook—

Senate Bill No. 292:

A bill to be entitled An Act to amend Section 1 of Chapter 8430, Laws of Florida, Acts of 1921, "An Act relating to the State Fire Insurance Fund and prescribing the powers and duties of the State Treasurer, the Board of Commissioners of State Institutions, and other State boards and officials with reference thereto, and appropriations to carry out the purposes of this Act," by limiting the appropriation to carry out the provisions of this Act.

Which was read the first time by title only and referred to the Committee on State Institutions.

By Senator Westbrook—

Senate Bill No. 293:

A bill to be entitled An Act authorizing and directing the State Road Department of the State of Florida to procure an all-Florida moving picture for showing as part of the Florida exhibit at the New York World's Fair and at such other places and times as the State Road Department or any other de-

partment or agency of the Government of the State of Florida may provide, and authorizing the expenditure by the State Road Department of the monies necessary to secure such moving picture.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Dugger—
Senate Bill No. 294:

A bill to be entitled An Act to repeal Chapter 17969, Acts of 1937, Laws of Florida, being An Act relating to the distribution and expenditure of monies derived from gasoline taxes placed to the credit of the several counties of the State of Florida having a population of not less than seven thousand and one hundred and fifty (7,150) and not more than seven thousand two hundred (7,200) according to the State Census of 1935, conferring certain powers, authority, and duties upon the State Board of Administration and the State Treasurer with reference thereto, and prescribing the purpose for which such monies shall be expended.

Which was read the first time by title only.

Senator Dugger moved that the rules be waived and Senate Bill No. 294 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 294 was read the second time by title only.

Senator Dugger moved that the rules be further waived and Senate Bill No. 294 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 294 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Ward—
Senate Bill No. 295:

A bill to be entitled An Act creating a State Department of Archives and History, telling who shall constitute and compose the personnel of such department and where the office shall be situated; stating the duties and functions of the department; authorizing the acceptance of donations by the department of Archives and History; providing a place of deposit for the storage of materials secured and making an appropriation to carry out the purposes of this Act.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Kelly (11th)—
Senate Bill No. 296:

A bill to be entitled An Act for the relief of S. A. Guilfoyle of St. Petersburg, Pinellas County, Florida.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Beacham—
Senate Bill No. 297:

A bill to be entitled An Act to provide for the protection of hotels and for the ejection therefrom of persons or guests who are intoxicated, or immoral, or profane, or lewd, or brawling, or quarrelsome or who shall indulge in language or conduct either such as to disturb the peace and comfort of other hotel guests or such as to be injurious to the reputation, dignity, or standing of any hotel, or who, in the opinion of the management is a person whom it would be detrimental to such hotel for it any longer to entertain, and to provide for oral and written requests to depart from such hotel and to make it illegal and a misdemeanor for any such guest to remain on the hotel premises after being requested to depart and to provide rights and remedies in such cases and deny to persons illegally upon hotel premises a course of action or right to sue on account of ejection therefrom.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator Beacham—
Senate Bill No. 298:

A bill to be entitled An Act to authorize drainage districts of the State of Florida organized under Chapter 6458 of the Acts of 1913 and amendments thereto, to issue refunding bonds of said district, providing for the validation thereof, the sale and or exchange, for the payment of said bonds and for carrying out the purposes of this Act.

Which was read the first time by title only and referred to the Committee on Drainage.

By Senator Johns—
Senate Bill No. 299:

A bill to be entitled An Act for the relief of Lawrence Wiggins of Bradford County, Florida, and providing for a refund of State, County, sub-school, and road and bridge interest and sinking fund taxes erroneously collected against said person.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Whitaker—
Senate Bill No. 300:

A bill to be entitled An Act making appropriations to be used as sponsor's contributions to grants of the Works Progress Administration for the construction of certain buildings on the campus of the University of Florida.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senators Whitaker and Beall—
Senate Bill No. 301:

A bill to be entitled An Act providing for the voluntary resignation and retirement of officers and employees of the State of Florida under certain conditions; establishing a fund to be known as the "State Officers and Employees Retirement Fund," and providing for contribution thereto by State officers and employees under certain conditions; providing for the pay of such retired State officers and employees; making appropriations to carry out the provisions of this Act, and prohibiting such retired State officers and employees from receiving any compensation hereunder while gainfully employed.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senators Rose, Westbrook, Parrish, Murphy and Black—
Senate Joint Resolution No. 302:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE IX OF THE CONSTITUTION RELATING TO TAXATION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment to the Constitution of the State of Florida, relating to an over-all limitation upon the power to levy and collect ad valorem taxes, to be known as Section 15 of Article IX, be, and the same is hereby, agreed to, and shall be submitted to the Electors of the State at the General Election of Representatives in 1940, for approval or rejection:

Section 15. The total levy of taxes upon real and personal property, except intangible property, for all purposes of the State, county, town, city and taxing districts or taxing agencies of every kind, except for public improvements, the levy whereof has been approved by a majority of the registered freeholders of the county, town, city or taxing districts, shall not exceed fifteen mills on the dollar, notwithstanding any power heretofore possessed or exercised under or consistent with this Constitution, which shall be based upon a uniform valuation for the several taxing units, and may be apportioned by general law applicable throughout the State and to every such political subdivision thereof without classification, or the Legislature may provide by such a law, the manner and means by which said apportionment shall be made. No levy of any character or for any purpose shall discriminate against any property lawfully exempt or partially exempt. Until the Legislature shall provide otherwise, the Comptroller shall prescribe uniform regulations for the apportionment

of said levy and shall finally decide all controversies in regard thereto.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Rose, Westbrook, Parrish, Murphy, Beacham and Black—

Senate Joint Resolution No. 303:

A JOINT RESOLUTION PROPOSING THE AMENDMENT OF SECTION 1 OF ARTICLE IX OF THE CONSTITUTION RELATING TO THE TAXATION OF REAL, PERSONAL AND INTANGIBLE PROPERTY.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment to the Constitution of the State of Florida amending Section 1 of Article IX thereof, relating to the taxation of real, personal and intangible property be, and the same is hereby, agreed to and shall be submitted to the electors of the State at the General Election of Representatives in 1940 for approval or rejection:

Section 1. The Legislature shall provide for a uniform and equal rate of taxation, except that it may provide for special rate or rates on intangible property, but such special rate or rates shall not exceed 5 mills on the dollar of the assessed valuation of such intangible property, which special rate or rates, or the taxes collected therefrom, may be apportioned by the Legislature, and shall be exclusive of all other State, county, district and municipal taxes; said real and personal property shall be assessed in accordance with its rental value, to be determined where possible from rents received, or by comparison where use is, or reasonably could be, made thereof by the owner, but in no case shall the assessed valuation thereof exceed the fair market value of said property. The Legislature may prescribe rules and regulations for the better enforcement of this section, and may classify species of property and fix reasonable minimum unit valuations thereon consistent with the spirit and intent of this section where the foregoing methods are inapplicable, or may prescribe, by laws of statewide application, reasonable rules therefor, and may exempt property used for municipal, educational, literary, scientific, religious or charitable purposes; but all of the provisions hereof shall be self-executing without any action by the Legislature.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senator Lewis—

Senate Bill No. 304:

A bill to be entitled An Act to amend Section 716 of the Revised General Statutes of Florida, 1920, as amended by Chapter 12,413, Laws of Florida, Acts of 1927, now Section 918, Compiled General Laws of Florida, 1927, relating to the valuation of property from tax assessments and returns by property owners.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

Senator McKenzie moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 152, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 152:

A bill to be entitled An Act to amend Chapter 6337, Laws of Florida, Acts of 1911, being An Act entitled "An Act relating to the Incorporation of the Town of Crescent City, fixing its boundaries, conferring on said town all the powers and privileges incident thereto under the laws of the State of Florida, validating all ordinances heretofore passed by said town, validating all acts of said town and its officers, providing for the assessment of taxes and collection of revenue, providing for paving and improving streets and sidewalks, providing for and authorizing the issue and sale of bonds, providing for a Town Council and other officials for said town, providing methods for the government of said town and conferring other powers and privileges of said town," as said Chapter 6337, Laws of Florida, Acts of 1911, is amended by Chapter 8928, Laws of Florida, Acts of 1921, this act providing for the abolishment of the elective offices in said town of Town Treasurer, Town Tax Collector, Town Clerk, and Town Tax Assessor, and providing for a Town Manager.

Was taken up out of order.

Senator McKenzie moved that the rules be waived and Sen-

ate Bill No. 152 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 152 was read the second time by title only.

Senator McKenzie offered the following amendment to Senate Bill No. 152:

Strike out Section 4 and insert the following: This Act shall become a law when ratified at a referendum election to be called by the City Council, said election to be called and conducted in accordance with the laws governing elections of said town of Crescent City, Florida.

Senator McKenzie moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator McKenzie moved that the rules be further waived and Senate Bill No. 152, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 152, as amended, was read the third time in full.

Upon the passage of the bill, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

Nays—None.

So the bill passed, as amended, and was referred to the Committee on Engrossed Bills.

SPECIAL AND CONTINUING ORDER

Pursuant to the motion made by Senator Westbrook on April 19, 1939, and the hour having arrived for the consideration of Senate Bills Nos. 26 and 32 as a Special and Continuing Order,

Senate Bill No. 26:

A bill to be entitled An Act to amend Sections 11 and 12 of Chapter 17808, Laws of Florida, Acts of 1937 entitled "An Act to promote the planting and production, within the State of Florida, of Sea Island cotton; in the exercise of the reserve powers of the State of Florida to provide protection for growers and producers of such cotton against hybridization and reduction in value thereof; to that end providing for creation of cotton production control districts; prohibiting the production, in said districts, of any type of cotton other than Sea Island cotton; also prohibiting the planting therein of any type of cotton seed or plants other than Sea Island cotton seed or plants; providing for the administration and enforcement of the provisions hereof; making an annual appropriation for the purpose of carrying out the provisions hereof; providing penalties and punishment for violation of the provisions hereof" so as to clarify the provision of Section 11 as to the territorial scope of the act and increasing the annual appropriation provided for in Section 12 of the act.

Was taken up.

Senator Westbrook moved that the rules be waived and Senate Bill No. 26 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 26 was read the second time by title only.

Senator Westbrook moved that Committee Substitute for Senate Bill No. 26 be read the first time by title only.

Which was agreed to.

Committee Substitute for Senate Bill No. 26:

A bill to be entitled An Act to amend Sections 11 and 12 of Chapter 17808, Laws of Florida, Acts of 1937 entitled "AN ACT to promote the planting and production within the State of Florida, of Sea Island cotton; in the exercise of the reserve powers of the State of Florida to provide protection for growers and producers of such cotton against hybridization and reduction in value thereof; to that end providing for creation of cotton production control districts; prohibiting the production, in said districts, of any type of cotton other than Sea Island cotton; also prohibiting the planting therein of any type of cotton seed or plants; providing for the administration and enforcement of the provisions hereof; making an annual appropriation for the purpose of carrying out the provisions

hereof; providing penalties and punishment for violation of the provisions hereof" so as to clarify the provision of Section 11 as to the territorial scope of the Act and increasing the annual appropriation provided for in Section 12 of the Act.

And the Committee Substitute for Senate Bill No. 26 was read the first time by title only.

Senator Westbrook moved that the rules be waived and the Committee Substitute for Senate Bill No. 26 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 26 was read the second time by title only.

Senator Westbrook moved that the Committee Substitute for Senate Bill No. 26 be adopted.

Which was agreed to, and the Committee Substitute for Senate Bill No. 26 was adopted.

Senator Horne offered the following amendment to Committee Substitute for Senate Bill No. 26:

In Section 1, Sub-section 2, at the end of Sub-section 2, add the following: "Provided, however, that none of the funds hereby appropriated shall be expended for legal advice or in any legal proceedings."

Senator Horne moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Westbrook moved that the rules be further waived and Committee Substitute for Senate Bill No. 26, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 26, as amended, was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 26, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

Nays—None.

So Committee Substitute for Senate Bill No. 26 passed, as amended, and was referred to the Committee on Engrossed Bills.

Senate Bill No. 32:

A bill to be entitled An Act to provide for the purchase, distribution and administration of Anti-Hog Cholera Serum and Hog Cholera Virus by the State Live Stock Sanitary Board; making an appropriation therefor; and repealing Chapter 18153, Laws of Florida, Acts of 1937, being "An Act to provide for the purchase, distribution and administration of Anti-Hog Cholera Serum and Hog Cholera Virus in the State of Florida by the State Live Stock Sanitary Board; making appropriation therefor and creating a fund to be known as the serum fund."

Was taken up and read the second time in full.

Senator Adams moved that the rules be waived and Senate Bill No. 32 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 32 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Westbrook, Whitaker, Wilson—35.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

SENATE BILLS ON THIRD READING

Senate Bill No. 60:

A bill to be entitled An Act to promote public morals by abolishing the right of action to recover sums of money as damages for the alienation of affection, criminal conversation, seduction and breach of contract to marry, limiting the time

within which such present existing causes of action must be commenced, making it unlawful to prosecute or threaten to prosecute such causes of action, declaring all contracts hereafter executed in payment, satisfaction, settlement or compromise of any cause of action abolished by this Act to be void as against public policy, and declaring the public policy of the state and prescribing the penalty for the violation of this Act.

Was taken up in its order.

Senator Kelly (11th) moved that the Senate reconsider the vote by which the following amendment to Senate Bill No. 60 was adopted on April 19, 1939:

In title, line 4, (typewritten bill) strike out the words: "criminal conversation, seduction" and wherever else in the body of the bill said words appear.

And the motion went over under the rule.

Senator Beacham moved that the Senate do now reconsider the vote by which the following amendment was adopted on April 19, 1939:

In title, line 3, (typewritten bill) strike out the words: "The alienation of affection" and wherever else on the body of the bill said words appear.

Upon which a roll call was demanded.

The roll was called and the vote was:

Yeas—Senators Adams, Beacham, Beall, Black, Coulter, Dame, Dye, Gideons, Hodges, Horne, Johns, Kelly (11th), Kelly (16th), Kendrick, Lindler, Parker, Price, Rose, Savage, Whitaker, Wilson—21.

Nays—Mr. President; Senators Clarke, Dugger, Gillis, Graham, Hinely, Holland, Kanner, Lewis, Mapoles, McKenzie, Murphy, Parrish, Sharit, Walker, Ward, Westbrook—17.

Which was agreed to and the Senate reconsidered the vote by which the amendment was adopted.

The question recurred on the adoption of the amendment.

Upon which a roll call was demanded.

The roll was called and the vote was:

Yeas—Mr. President; Senators Clarke, Dugger, Gillis, Graham, Hinely, Holland, Kanner, Lewis, Mapoles, McKenzie, Murphy, Parrish, Rose, Sharit, Walker, Ward, Westbrook—18.

Nays—Senators Adams, Beacham, Beall, Black, Coulter, Dame, Dye, Gideons, Hodges, Horne, Johns, Kelly (11th), Kelly (16th), Kendrick, Lindler, Parker, Price, Savage, Whitaker, Wilson—20.

So the amendment failed of adoption.

Senator Kelly (11th) moved that the rules be waived and the Senate do now reconsider the vote by which the following amendment was adopted on April 19, 1939:

In title, line 4, (typewritten bill) strike out the words: "criminal conversation, seduction" and wherever else in the body of the bill said words appear.

Upon which a roll call was demanded.

Pending roll call, Senator Beacham moved that the rules be waived and the hour of adjournment be extended until the consideration of Senate Bill No. 60 is completed.

Which was agreed to by a two-thirds vote and it was so ordered.

The question recurred on the motion to reconsider the vote by which the amendment was adopted.

The roll was called and the vote was:

Yeas—Senators Adams, Beacham, Beall, Black, Coulter, Dame, Hodges, Horne, Johns, Kelly (16th), Kendrick, Lindler, Parker, Price, Rose, Savage, Whitaker, Wilson—18.

Nays—Mr. President; Senators Clarke, Dugger, Dye, Gillis, Graham, Hinely, Holland, Kanner, Kelly (11th), Lewis, Mapoles, McKenzie, Murphy, Parrish, Sharit, Walker, Ward, Westbrook—19.

Which was not agreed to by a two-thirds vote and the Senate refused to reconsider the vote by which the amendment was adopted, the bill retaining its place on the Calendar of Bills on third reading.

By permission the following bills were introduced:

By Senators Dame, Murphy, Adams, Beacham and Holland—Senate Bill No. 305:

A bill to be entitled An Act designating and establishing a

State road to be known as State Road 5—S. E., extending from State road 15 at Crystal River, via Inverness, Floral City, Istachatta, Croom, Trilby, Dade City, Richland, Kathleen, Lakeland, Bartow, Fort Meade, Avon Park, Sebring, Bassenger, Okeechobee and Indian Town to West Palm Beach.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senators Murphy and Graham—
Senate Bill No. 306:

A bill to be entitled An Act to establish at or near Avon Park, Florida an addition to or a branch of the Florida State Hospital for the care, treatment, etc., of insane persons, the constructing of necessary buildings, equipment, etc., of such additions or branch, and to provide for the management of such institution.

Which was read the first time by title only and referred to the Committee on State Institutions.

By Senator Murphy—
Senate Bill No. 307:

A bill to be entitled An Act amending Chapter 10186, Laws of Florida, 1925, being "An Act to regulate the operation of motor driven and other vehicles on the public highways of the State of Florida and to provide for the enforcement and punishment for the violation of this Act" and providing a maximum speed for motor vehicles.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senators Hodges and Whitaker—
Senate Bill No. 308:

A bill to be entitled An Act to provide for the relief of the Aged and Infirm Citizens of the State of Florida; to provide for the allocation and distribution of the monies collected; to provide the rate of compensation at which such persons as may be entitled to aid hereunder may be paid; to fix the duties of Boards of County Commissioners and the State Pension Board in relation thereto; the manner in which citizens may obtain the benefits thereof; the time when citizens shall be entitled thereto; to provide the manner and time of payment of such aid to persons entitled thereto; to provide the records to be kept; to provide for penalties for violations of provi-

sions of this Act; and to repeal all laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator Clarke—
Senate Bill No. 309:

A bill to be entitled An Act requiring State Treasurer or Insurance Commissioner to inspect insurance companies as often as once in every three years, giving said State Treasurer authority to inspect said companies oftener if he deem prudent, and providing for examination of insurance companies by said State Treasurer as Insurance Commissioner upon the request of five or more stockholders, creditors, policyholders or persons pecuniarily interested, when said stockholders or persons pecuniarily interested shall make affidavit of their belief with specifications of their reasons therefor, that such company is in an unsound condition; giving State Treasurer authority to have insurance companies examined by competent persons, making available for examination all records, books and papers of insurance companies, and permitting State Treasurer as Insurance Commissioner to examine all officers, directors, agents and trustees of an insurance company, and for expense incurred in examination of insurance companies; and providing a penalty for refusal to give evidence or obstruction of examination.

Which was read the first time by title only and referred to the Committee on Insurance.

By Senator Murphy—
Senate Bill No. 310:

A bill to be entitled An Act to amend Section 11, Chapter 14764, Laws of Florida, Acts of 1931, being Section 1335 (11) Compiled General Laws of Florida, 1927 (supplement thereto) relating to vehicles operated by auto transportation companies and prescribing the maximum size and weight of such vehicles and the distribution thereof and safety devices required.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

Senator Beacham moved that the Senate do now adjourn.
Which was agreed to.

And the Senate stood adjourned at 1:15 o'clock P. M., until 11:00 o'clock A. M., Friday, April 21, 1939.